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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,865	09/21/1999	FEDERICO CANINI	3572-6	3921

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NIXON & VANDERHYE PC
1100 N GLEBE ROAD 8TH FLOOR
ARLINGTON, VA 22201

EXAMINER

NGUYEN, SANG H

ART UNIT PAPER NUMBER

2877

DATE MAILED: 12/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/400,865

Applicant(s)

CANINI ET AL.

Examiner

Sang H Nguyen

Art Unit

2877

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 24 September 2002. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____


3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.Claim(s) objected to: NONE.Claim(s) rejected: 1-2, 9, 18, 23-24, and 31-62.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: Response to Arguments after final rejection


Samuel A. Turner
Primary Examiner

Continuation of 2a. NOTE: The raise new issues that would required further consideration and search with the limitations "as shape light" and "thereby allowing propagation of said selected portion of the light beam and preventing propagation of a remaining portion of the light beam" in claims 1, 23, 24, 31, 53, 54, and 59-62.

Continuation of 10. NOTE: Applicant's arguments field on 09/24/02 have been fully considered but they are not persuasive.

Applicant argued that Plesko does not disclosed an aiming device, a converging lens placed downstream of the diaphragm, thereby allowing propagation of said selected portion of the light beam and preventing propagation of a remaining portion of the light beam, and thereby providing immediate visual feedback from reading zone as to the position of shape light relative to reading zone.

This argument is not persuasive. Applicant 's aiming device having a light source, a diaphragm, and a converging lens and Plesko's optical reading device having a light source (S of figures 1 and 2), a diaphragm (figure 2) is defining an aperture (8 of figure 2) and a stop (9 of figure 2) of lens or optical sytem, and a converging lens (2 of figure 2) have the same results for reading information from the zone of the objects/targets. Applicant's argued that Plesko does not teach the limitation "a converging lens placed downstream of the diaphragm". Plesko discloses a converging lens (2 of figure 3) placed downstream of the diaphragm is defining the aperture (15 of figure 3) from the light source (S of figure 3) for the purpose of the diaphragm is focused by converging lens (see figures 2-3). Moreover, Applicant's amended with limiation "thereby allowing propagation of said selected portion of the light beam and preventing propagation of a remaining portion of light beam" in claims for the purposes in order to overcome the prior arts (Plesko and/or Massieu). Further, the above-limiation "thereby providing immediate visual feedback from reading zone as to the position of shape light relative to reding zone", as stated in previous Office action, Plesko discloses the reading device (200 of figure 22) for reading the information (236 of figure 22) on a zone (230 of figure 22) with the visual feedback information on the window (212 of figure 22).

Applicant's discussion with Examiner's supervisor Pham, in paper 9. It is not true because Mr. Pham, is a Primary Examiner (not SPE), understand about the field of class 356 Optic "Measuring and Testing".